

**Legislative Council Panel on Public Service  
Meeting on 21 May 2001**

**Management-Initiated Retirement Scheme**

**Purpose**

This paper informs Members about the progress of the implementation of the Management-Initiated Retirement (MIR) Scheme and the Administration's commitment to maintain confidentiality of proceedings under the Scheme.

**Background**

2. The MIR Scheme was first proposed as part of the Civil Service Reform announced in March 1999. The Scheme was proposed as a mechanism to allow pensionable civil servants at the directorate ranks to be directed by the management to retire early to cater for management needs, as an exit avenue additional to the existing ones for specific circumstances mainly relating to serious misconduct, non-performance, medical condition or staff surplus situation. The Scheme is not a scheme for removal of non-performing officers and is not a punitive act to deal with conduct and discipline cases, which shall continue to be dealt with in accordance with the established procedures.

3. We consulted the staff sides, departmental and grade management, the Public Service Commission and the LegCo Panel on Public Service on the detailed proposals for the scheme in April and May 2000. After consultation, the Chief Executive in Council approved that an MIR Scheme should be introduced in the civil service as a management tool to provide for the retirement of directorate civil servants on permanent and pensionable terms to facilitate improvement in the government organisation. We briefed LegCo Members on the Scheme in a Legislative Council Brief issued on 9 June 2000 and sought the approval of the Finance Committee on 16 June 2000 for the grant of a proposed ex-gratia payment to civil servants who retire under the scheme.

**Confidentiality of Proceedings under the Scheme**

4. During the consultation on the MIR Scheme proposals, many staff associations, individual staff members and departmental management have expressed concerns over the negative labelling effect that might be brought to the officers retired

under the Scheme. The respondents were of the view that proceedings under the scheme should be kept strictly confidential to respect their rights to privacy.

5. To address these concerns and in line with the established policy and Personal Data (Privacy) Ordinance, the Administration has undertaken that all proceedings as well as the personal data of individual officers retired would be kept strictly confidential and have accordingly briefed the staff sides and the LegCo Panel. The Administration has also underlined this commitment in the Legislative Council Brief issued on 9 June 2000. Having regard to this policy commitment, we are extremely cautious with disclosure of information relating to the scheme, such as the number of persons retired under the scheme, which although on its face is anonymous, could nonetheless lead to the speculation or identification of persons affected.

### **Procedural Safeguards**

6. Various procedural safeguards have already been built in to ensure that the MIR scheme is invoked **only where sufficiently justified**. In particular, all cases are considered at the highest level of the Administration and assessed by a panel chaired by the Chief Secretary for Administration comprising various senior officials to ensure that all cases are processed on a fair and objective basis. The officers concerned are allowed the opportunity to make representations against the recommendation to retire them under the Scheme, and cases would only be approved if it can be established that the retirement of an officer from his office is in the interest of organisational improvement of a department or a grade, and there are severe management difficulties to accommodate the officer elsewhere in the service. Recommendations of the panel are forwarded to the Public Service Commission for advice before they are submitted to the Chief Secretary for Administration for approval.

### **Latest Progress of Implementation**

7. We promulgated the detailed procedures of the MIR Scheme by way of a Civil Service Bureau Circular on 4 September 2000. It is a standing scheme to be invoked as and when necessary and appropriate to cater for management needs. Given that the Scheme has only been introduced since September 2000, the Administration considers it inappropriate to disclose at this stage the number of cases approved under the MIR Scheme as this may lead to speculation as to who, among the small pool of retired directorate officers, were directed to retire under the Scheme. We would provide information on the number of retirement cases under the MIR Scheme at an appropriate future date.